

Calendar No. 601

105TH CONGRESS
2^D SESSION

H. R. 2000

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1998

Received; read twice and placed on the calendar

AN ACT

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTOMATIC LAND BANK PROTECTION.**

2 (a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN
3 FEDERAL AGENCIES.—The matter preceding clause (i) of
4 section 907(d)(1)(A) of the Alaska National Interest
5 Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is
6 amended by inserting “or conveyed to a Native Corpora-
7 tion pursuant to an exchange authorized by section 22(f)
8 of Alaska Native Claims Settlement Act or section
9 1302(h) of this Act or other applicable law” after “Settle-
10 ment Trust”.

11 (b) LANDS EXCHANGED AMONG NATIVE CORPORA-
12 TIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C.
13 1636(d)(2)(B)) is amended—

14 (1) by striking “and” at the end of clause (ii);

15 (2) by striking the period at the end of clause

16 (iii) and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(iv) lands or interest in lands shall not be con-
19 sidered developed or leased or sold to a third party
20 as a result of an exchange or conveyance of such
21 land or interest in land between or among Native
22 Corporations and trusts, partnerships, corporations,
23 or joint ventures, whose beneficiaries, partners,
24 shareholders, or joint venturers are Native Corpora-
25 tions.”.

1 (c) ACTIONS BY TRUSTEE SERVING PURSUANT TO
2 AGREEMENT OF NATIVE CORPORATIONS.—Section
3 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is
4 amended—

5 (1) by striking “or” at the end of clause (i);

6 (2) by striking the period at the end of clause
7 (ii) and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(iii) to actions by any trustee whose right,
10 title, or interest in land or interests in land arises
11 pursuant to an agreement between or among Native
12 Corporations and trusts, partnerships, or joint ven-
13 tures whose beneficiaries, partners, shareholders, or
14 joint venturers are Native Corporations.”.

15 **SEC. 2. DEVELOPMENT BY THIRD-PARTY TRESPASSERS.**

16 Section 907(d)(2)(A)(i) of the Alaska National Inter-
17 est Lands Conservation Act (43 U.S.C. 1636(d)(2)(A)(i))
18 is amended—

19 (1) by inserting “Any such modification shall be
20 performed by the Native individual or Native Cor-
21 poration.” after “substantial modification.”;

22 (2) by inserting a period after “developed
23 state” the second place it appears; and

1 (3) by adding “Any lands previously developed
2 by third-party trespassers shall not be considered to
3 have been developed.”.

4 **SEC. 3. RETAINED MINERAL ESTATE.**

5 (a) IN GENERAL.—Section 12(c)(4) of the Alaska
6 Native Claims Settlement Act (43 U.S.C. 1611(c)(4)) is
7 amended—

8 (1) by redesignating subparagraphs (C) and
9 (D) as subparagraphs (E) and (F), respectively, and
10 by inserting after subparagraph (B) the following
11 new subparagraphs:

12 “(C) Where such public lands are surrounded
13 by or contiguous to subsurface lands obtained by a
14 Regional Corporation under subsections (a) or (b),
15 the Corporation may, upon request, have such public
16 land conveyed to it.

17 “(D)(i) A Regional Corporation which elects to
18 obtain public lands under subparagraph (C) shall be
19 limited to a total of not more than 12,000 acres. Se-
20 lection by a Regional Corporation of in lieu surface
21 acres under subparagraph (E) pursuant to an elec-
22 tion under subparagraph (C) shall not be made from
23 any lands within a conservation system unit (as that
24 term is defined by section 102(4) of the Alaska Na-

1 tional Interest Lands Conservation Act (16 U.S.C.
2 3102(4)).

3 “(ii) An election to obtain the public lands de-
4 scribed in subparagraph (A), (B), or (C) shall in-
5 clude all available parcels within the township in
6 which the public lands are located.

7 “(iii) For purposes of this subparagraph and
8 subparagraph (C), the term ‘Regional Corporation’
9 shall refer only to Doyon, Limited.”; and

10 (2) in subparagraph (E) (as so redesignated),
11 by striking “(A) or (B)” and inserting “(A), (B), or
12 (C)”.

13 (b) FAILURE TO APPEAL NOT PROHIBITIVE.—Sec-
14 tion 12(c) of the Alaska Native Claims Settlement Act (43
15 U.S.C. 1611(c)) is amended by adding at the end the fol-
16 lowing:

17 “(5) Subparagraphs (A), (B), and (C) of para-
18 graph (4) shall apply, notwithstanding the failure of
19 the Regional Corporation to have appealed the rejec-
20 tion of a selection during the conveyance of the rel-
21 evant surface estate.”.

22 **SEC. 4. AMENDMENT TO PUBLIC LAW 102–415.**

23 Section 20 of the Alaska Land Status Technical Cor-
24 rections Act of 1992 (106 Stat. 2129), is amended by add-
25 ing at the end the following new subsection:

1 “(h) Establishment of the account under subsection
2 (b) and conveyance of land under subsection (c), if any,
3 shall be treated as though 3,520 acres of land had been
4 conveyed to Gold Creek under section 14(h)(2) of the
5 Alaska Native Claims Settlement Act for which rights to
6 subsurface estate are hereby provided to CIRI. Within 1
7 year from the date of the enactment of this subsection,
8 CIRI shall select 3,520 acres of subsurface estate in land
9 from the area designated for selection by paragraph
10 I.B.(2)(b) of the document identified in section 12(b) (re-
11 ferring to the Talkeetna Mountains) of the Act of January
12 2, 1976 (43 U.S.C. 1611 note). Not more than five selec-
13 tions shall be made under this subsection, each of which
14 shall be reasonably compact and in whole sections, except
15 when separated by unavailable land or when the remaining
16 entitlement is less than a whole section.”.

17 **SEC. 5. CLARIFICATION ON TREATMENT OF BONDS FROM A**
18 **NATIVE CORPORATION.**

19 Section 29(c) of the Alaska Native Claims Settlement
20 Act (43 U.S.C. 1626(c)) is amended—

21 (1) in paragraph (3)(A), by inserting “and on
22 bonds received from a Native Corporation” after
23 “from a Native Corporation”; and

24 (2) in paragraph (3)(B), by inserting “or bonds
25 issued by a Native Corporation which bonds shall be

1 subject to the protection of section 7(h) until volun-
2 tarily and expressly sold or pledged by the share-
3 holder subsequent to the date of distribution” before
4 the semicolon.

5 **SEC. 6. CALISTA NATIVE CORPORATION LAND EXCHANGE.**

6 (a) CONGRESSIONAL FINDINGS.—Congress finds and
7 declares that—

8 (1) the land exchange authorized by section
9 8126 of Public Law 102–172 should be implemented
10 without further delay;

11 (2) the Calista Corporation, the Native Re-
12 gional Corporation organized under the authority of
13 the Alaska Native Claims Settlement Act for the
14 Yupik Eskimos of Southwestern Alaska, which in-
15 cludes the majority of the Yukon Delta National
16 Wildlife Refuge—

17 (A) has responsibilities provided for by the
18 Alaska Native Claims Settlement Act to help
19 address social, cultural, economic, health, sub-
20 sistence, and related issues within the region
21 and among its villages, including the viability of
22 the villages themselves, many of which are re-
23 mote and isolated; and

24 (B) has been unable to fully carry out such
25 responsibilities;

1 (3) the implementation of the exchange ref-
2 erenced in this subsection is essential to helping
3 Calista utilize its assets to carry out those respon-
4 sibilities and to realize the benefits of the Alaska
5 Native Claims Settlement Act;

6 (4) the parties to the exchange have been un-
7 able to reach agreement on the valuation of the
8 lands and interests in lands to be conveyed to the
9 United States under section 8126 of Public Law
10 102–172; and

11 (5) in light of the foregoing, it is appropriate
12 and necessary in this unique situation that Congress
13 authorize and direct the implementation of this ex-
14 change as set forth in this section in furtherance of
15 the purposes and underlying goals of the Alaska Na-
16 tive Claims Settlement Act and the Alaska National
17 Interest Lands Conservation Act.

18 (b) LAND EXCHANGE IMPLEMENTATION.—Section
19 8126 of Public Law 102–172 (105 Stat. 1206) is amended
20 to read as follows:

21 “SEC. 8126. (a)(1) In exchange for lands, partial es-
22 tates, and land selection rights identified in the document
23 entitled ‘The Calista Conveyance and Relinquishment
24 Document’, dated October 28, 1991, as amended Septem-
25 ber 22, 1998 (hereinafter referred to as ‘CCRD’), the

1 United States will establish a property account for the
2 Calista Corporation, a corporation organized under the
3 laws of the State of Alaska, in the amount identified in
4 the CCRD, and in accordance with the provisions of this
5 Act.

6 “(2) The CCRD contains the land descriptions of the
7 lands and interests in lands to be conveyed, the selections
8 to be relinquished, the charges to entitlement, the quantity
9 and class of entitlement to be transferred to the United
10 States, the terms of the Kuskokwim Corporation Con-
11 servation Easement, and the amount that is authorized
12 for the property account.

13 “(3) The covenants, terms, and conditions to be used
14 in any transfers to the United States described in the
15 CCRD shall be binding on the United States and the par-
16 ticipating Native corporations and shall be a matter of
17 Federal law.

18 “(b)(1) The aggregate values of such lands and inter-
19 ests in lands, together with compensation for the consider-
20 ations set forth in congressional findings concerning the
21 Calista Region and its villages, shall be the sum provided
22 in section IX of the CCRD. The amounts credited to the
23 property account described in this subsection shall not be
24 subject to adjustment for minor changes in acreage result-
25 ing from preparation or correction of the land descriptions

1 in the CCRD or the exclusion of any small tracts of land
2 as a result of hazardous material surveys. The Secretary
3 of the Interior shall maintain an accounting of the lands
4 and interests in lands remaining to be conveyed or relin-
5 quished by Calista Corporation and the participating vil-
6 lage corporations pursuant to this section. The Secretary
7 of the Treasury on October 1, 1998, shall establish a prop-
8 erty account on behalf of Calista Corporation.

9 “(2) The account shall be credited and available for
10 use as provided in paragraph (4), according to the follow-
11 ing schedule of percentages of the amount in section IX
12 of the CCRD:

13 “(A) On October 1, 1999, and on October 1 of
14 each year thereafter through October 1, 2005, the
15 amount equal to 12.69 percent.

16 “(B) On October 1, 2007, the amount equal to
17 11.17 percent.

18 “(3)(A) Unless otherwise authorized by law, the ag-
19 gregate amount of all credits to the account, pursuant to
20 the schedule set forth in paragraph (2), shall be equal to
21 the amount in section IX of the CCRD.

22 “(B) All amounts credited to the account shall be
23 from amounts in the Treasury not otherwise appropriated
24 and shall be available for expenditure without further ap-
25 propriation and without fiscal year limitation.

1 “(4) The property account may not be used until all
2 conveyances, relinquishments of selections, and adjust-
3 ments to entitlements described in the CCRD have been
4 made to and accepted by the United States. The Secretary
5 of the Interior shall notify the Secretary of the Treasury
6 when all requirements of the preceding sentence have been
7 met. Immediately thereafter the Secretary of the Treasury
8 shall comply with his duties under this paragraph includ-
9 ing the computations of the amount in the account, the
10 amount that may be expended in any particular Federal
11 fiscal year, and the balance of the account after any trans-
12 action. The property account may be used in the same
13 manner as any other property account held by any other
14 Alaska Native Corporation.

15 “(5) Notwithstanding any other provision of law,
16 Calista Corporation on its own behalf or on behalf of the
17 village corporations identified in the CCRD, may assign
18 any or all of the account upon written notification to the
19 Secretary of the Treasury and the Secretary of the Inte-
20 rior.

21 “(6) The Secretary of the Treasury shall notify the
22 Secretary of the Interior and Calista whenever there is a
23 reduction in the property account, the purpose for such
24 reduction and the remaining balance in the account. The

1 Alaska State Office of the Bureau of Land Management
2 shall be the official repository of such notices.

3 “(7) For the purpose of the determination of the ap-
4 plicability of section 7(i) of the Alaska Native Claims Set-
5 tlement Act (43 U.S.C. 1606(i)) to revenues generated
6 pursuant to that section, such revenues shall be calculated
7 in accordance with section IX of the CCRD.

8 “(8) The United States shall not be liable for the re-
9 distribution of benefits by the Calista Corporation to the
10 participating Alaska Native village corporations pursuant
11 to this section.

12 “(9) These transactions are not based on appraised
13 property values and therefore shall not be used as a prece-
14 dent for establishing property values.

15 “(10) Prior to the issuance of any conveyance docu-
16 ments or relinquishments and acceptance, the Secretary
17 of the Interior and the participating Native corporations
18 may, by mutual agreement, modify the legal descriptions
19 included in the CCRD to correct clerical errors.

20 “(11) Property located in the State of Alaska that
21 is purchased by use of the property account shall be con-
22 sidered and treated as conveyances of land selections
23 under the Alaska Native Claims Settlement Act (43
24 U.S.C. 1601 et seq.).

1 “(12) The conveyance of lands, partial estates and
2 land selection rights and relinquishment or adjustments
3 to entitlement made by the Alaska Native Corporations
4 pursuant to this section and the use of the property ac-
5 count in the Treasury shall be treated as the receipt of
6 land or any interest therein or cash in order to equalize
7 the values of properties exchanged pursuant to section
8 22(f) of the Alaska Native Claims Settlement Act (43
9 U.S.C. 1621(f)) as provided in the first sentence in section
10 21(c) of that Act (43 U.S.C. 1620(c)).

11 “(13) With respect to the content of the CCRD, the
12 Secretary of the Interior, the Calista Regional Corpora-
13 tion, and the participating village corporations agree upon
14 the lands, interests in lands, relinquishments and adjust-
15 ments to entitlement described therein that may be offered
16 to the United States pursuant to this section. These par-
17 ties also agree with the amounts to be made available in
18 the property account once all conveyances and
19 relinquishments are completed, and the parties agree with
20 the needs set forth in the congressional findings in section
21 6(a) of the ANCSA Land Bank Protection Act of 1998.
22 The parties do not necessarily agree on the hortatory
23 statements, descriptions, and attributions of resource val-
24 ues which are included in the CCRD as drafted by Calista.

1 But such disagreements will not affect the implementation
2 of this section.

3 “(14) Descriptions of resource values provided for
4 surface lands which are not offered in the exchange and
5 will remain privately owned by village corporations form
6 no part of the consideration for the exchange.”.

7 **SEC. 7. MINING CLAIMS.**

8 Paragraph (3) of section 22(c) of the Alaska Native
9 Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

10 (1) by striking out “regional corporation” each
11 place it appears and inserting in lieu thereof “Re-
12 gional Corporation”; and

13 (2) by adding at the end the following: “The
14 provisions of this section shall apply to Haida Cor-
15 poration and the Haida Traditional Use Sites, which
16 shall be treated as a Regional Corporation for the
17 purposes of this paragraph, except that any revenues
18 remitted to Haida Corporation under this section
19 shall not be subject to distribution pursuant to sec-
20 tion 7(i) of this Act.”.

21 **SEC. 8. SALE, DISPOSITION, OR OTHER USE OF COMMON**
22 **VARIETIES OF SAND, GRAVEL, STONE, PUM-**
23 **ICE, PEAT, CLAY, OR CINDER RESOURCES.**

24 Subsection (i) of section 7 of the Alaska Native
25 Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

1 (1) by striking “Seventy per centum” and in-
2 serting “(A) Except as provided by subparagraph
3 (B), seventy percent”; and

4 (2) by adding at the end the following:

5 “(B) In the case of the sale, disposition, or other use
6 of common varieties of sand, gravel, stone, pumice, peat,
7 clay, or cinder resources made during a fiscal year ending
8 after the date of enactment of this subparagraph, the reve-
9 nues received by a Regional Corporation shall not be sub-
10 ject to division under subparagraph (A). Nothing in this
11 subparagraph is intended to or shall be construed to alter
12 the ownership of such sand, gravel, stone, pumice, peat,
13 clay, or cinder resources.”.

14 **SEC. 9. ALASKA NATIVE ALLOTMENT APPLICATIONS.**

15 Section 905(a) of the Alaska National Interest Lands
16 Conservation Act (43 U.S.C. 1634(a)) is amended by add-
17 ing at the end the following:

18 “(7) Paragraph (1) of this subsection and subsection
19 (d) shall apply, and paragraph (5) of this subsection shall
20 cease to apply, to an application—

21 “(A) that is open and pending on the date of
22 enactment of this paragraph;

23 “(B) if the lands described in the application
24 are in Federal ownership other than as a result of

1 reacquisition by the United States after January 3,
2 1959; and

3 “(C) if any protest which is filed by the State
4 of Alaska pursuant to paragraph (5)(B) with respect
5 to the application is withdrawn or dismissed either
6 before, on, or after the date of the enactment of this
7 paragraph.

8 “(8)(A) Any allotment application which is open and
9 pending and which is legislatively approved by enactment
10 of paragraph (7) shall, when allotted, be made subject to
11 any easement, trail, or right-of-way in existence on the
12 date of the Native allotment applicant’s commencement of
13 use and occupancy.

14 “(B) The jurisdiction of the Secretary is extended to
15 make any factual determinations required to carry out this
16 paragraph.”.

17 **SEC. 10. VISITOR SERVICES.**

18 Paragraph (1) of section 1307(b) of the Alaska Na-
19 tional Interest Lands Conservation Act (16 U.S.C.
20 3197(b)) is amended—

21 (1) by striking “Native Corporation” and in-
22 serting “Native Corporations”; and

23 (2) by striking “is most directly affected” and
24 inserting “are most directly affected”.

1 **SEC. 11. LOCAL HIRE REPORT.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Secretary of the
4 Interior shall transmit to Congress a report.

5 (b) LOCAL HIRE.—The report required by subsection
6 (a) shall—

7 (1) indicate the actions taken in carrying out
8 subsection (b) of section 1308 of the Alaska Na-
9 tional Interest Lands Conservation Act (16 U.S.C.
10 3198);

11 (2) address the recruitment processes that may
12 restrict employees hired under subsection (a) of such
13 section from successfully obtaining positions in the
14 competitive service; and

15 (3) describe the actions of the Secretary of the
16 Interior in contracting with Alaska Native Corpora-
17 tions to provide services with respect to public lands
18 in Alaska.

19 (c) COOPERATION.—The Secretary of Agriculture
20 shall cooperate with the Secretary of the Interior in carry-
21 ing out this section with respect to the Forest Service.

22 **SEC. 12. SHAREHOLDER BENEFITS.**

23 Section 7 of the Alaskan Native Claims Settlement
24 Act (43 U.S.C. 1606) is amended by adding at the end
25 the following:

1 “(r) BENEFITS FOR SHAREHOLDERS OR IMMEDIATE
 2 FAMILIES.—The authority of a Native Corporation to pro-
 3 vide benefits to its shareholders who are Natives or de-
 4 scendants of Natives or to its shareholders’ immediate
 5 family members who are Natives or descendants of Na-
 6 tives to promote the health, education, or welfare of such
 7 shareholders or family members is expressly authorized
 8 and confirmed. Eligibility for such benefits need not be
 9 based on share ownership in the Native Corporation and
 10 such benefits may be provided on a basis other than pro
 11 rata based on share ownership.”.

12 **SEC. 13. SHAREHOLDER HOMESITE PROGRAM.**

13 Section 39(b)(1)(B) of the Alaskan Native Claims
 14 Settlement Act (43 U.S.C. 1629e(b)(1)(B)) is amended by
 15 inserting after “settlor corporation” the following: “or the
 16 land is conveyed for a homesite by the Trust to a bene-
 17 ficiary of the Trust who is also a legal resident under Alas-
 18 ka law of the Native village of the settlor corporation and
 19 the conveyance does not exceed 1.5 acres”.

20 **SEC. 14. SHORT TITLE.**

21 This Act may be cited as the “ANCSA Land Bank
 22 Protection Act of 1998”.

Passed the House of Representatives September 23,
 1998.

Attest:

ROBIN H. CARLE,
Clerk.

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